

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 529 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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SAROJBEN NITINKUMAR SOLANKI

Versus

STATE OF GUJARAT  
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Appearance:

MR GR MALHOTRA for Petitioner  
MR DIGANT P. JOSHI, ASSISTANT GOVERNMENT PLEADER for  
Respondent No. 1, 2, 3  
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CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 17/04/2000

ORAL JUDGEMENT

1. Mr. G.R. Malhotra was not present in the first  
call. Mr. Malhotra is also not present in the second  
call. It is pointed out by Mr. Digant P. Joshi, the

learned Assistant Government Pleader that the dispute is between the two ladies who are claiming to be the widow of Shri Nitin Kumar Solanki. One Smt. Jyotiben N. Solanki has filed a Civil Suit No.240 of 98 in the Civil

Court, Rajkot while the present petition is filed by another lady Smt. Sarojben N. Solanki. She is also claiming to be the wife of the deceased Nitin Kumar. At Annexure D, there is a letter dated 23rd January, 1998 written by the Office of the Executive Engineer, Rajkot Irrigation Scheme, Division Rajkot which is addressed to the present petitioner, Smt. Sarojben N. Solanki. The letter refers to the application dated 10th December, 1997 of the present petitioner. The contents of the letter are produced for ready perusal.

"Regarding your application dated 10.12.97, as per the discussions with the undersigned on dtd. 10.11.97 you are required to produce the order of the Hon'ble Court but till this date you have not produced any order of the Court. Smt. Jyotiben has represented that she required the maintenance for her children. As per the advice of the Government Advocate till the order of succession certificate is not received from the Court till that time the amount of pension, gratuity & P.F. cannot be paid to you.

2. As stated above you are required to produce the order of the Court or the succession Certificate so that pension, gratuity and P.F. amount may be paid to you."

In the light of the fact that the Civil litigation is pending between the two ladies, it appears that no relief can be granted. The petition stands disposed of as withdrawn. Notice discharged. However, the authorities are directed that on production of the final result of the Civil litigation, the concerned lady who is held entitled to receive dues shall be paid the benefits in accordance with law at the earliest.

hki